THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.16972 of 1998

DATED: 25.04.2007

BETWEEN:

R.Bapu Reddy. .. Petitioner

And

Electronics Corporation of India Ltd.,
Rep. by its Director (Personnel), Moulali,
ECIL, Hyderabad-500762
and another .. Respondents

THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.16972 of 1998

ORDER:

This Writ Petition is directed against proceedings No.ECIL/PG(E.P.)/ 1998/481, dated 02.06.1998, wherein the pay scale of the petitioner fixed in the year 1989 in the promoted post of Trades man 'E' with effect from 01.04.1989 was sought to be revised in the year 1998 and further the excess amount said to have been paid was sought to be recovered in 22 equal instalments.

(2) There is no necessity of going into all the details. It is an admitted fact that no notice of any kind was issued to the petitioner before passing of the impugned order of refixing the salary of the petitioner at Rs.1,567/- with effect from 01.04.1989 (earlier it was fixed at Rs.1,627/-), and also recovery of the excess amount paid to the petitioner in 22 equal monthly instalments.

(3) It is not the case of the respondents that the petitioner had misled them by such an erroneous fixation of his pay. In fact, it is their contention that the salary of the petitioner was erroneously fixed with effect from 01.04.1989 at Rs.1,627/- instead of Rs.1,567/-, therefore, the recovery is ordered.

(5) Admittedly, as no notice has been issued before passing the

impugned order revising the pay fixation of the petitioner which was made in the year 1989, the impugned order suffers from gross violation of principles of natural justice, and on this ground alone, the impugned order is liable to be set aside.

(6) Under the above circumstances, the impugned order is set aside. However, it is needless to mention that the respondents are at liberty to revise the pay scale of the petitioner, if it is erroneously fixed earlier, after putting the petitioner on notice and calling his explanation for the same. But, however, in view of the fact that it was not the mistake on the part of the petitioner, no recovery shall be effected for the amounts already paid.

(6) With the above observations, the Writ Petition is disposed of. No order as to costs.

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(C.V.RAMULU,J)

25.04.2007
v v